

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
(Newark Vicinage)**

JULIO F. HERNANDEZ,

Plaintiff,

v.

JOSEPH D. LIGHT; C&M TRUCK REPAIR; and
JOHN DOES (1-10) (fictitious names),

Defendants.

Civil Action No.:

NOTICE OF PETITION FOR REMOVAL FROM STATE COURT TO FEDERAL COURT

TO:

Edward McElroy, Esquire
Eichen, Crutchlow, Zaslow & McElroy
563 Lakehurst Road
Toms River, NJ 08755
emcelroy@njadvocates.com
Attorneys for Plaintiff – Julio F. Hernandez

PLEASE TAKE NOTICE that the defendants, Joseph D. Light and/or C&M Truck Repair (hereinafter referred to collectively as “Petitioners” or “C&M”), herein files and submits this Notice of Petition for the Removal from State Court to Federal Court in the above matter.

The Notice of Petition for Removal is also being filed with the Superior Court of New Jersey, Law Division, Middlesex County pursuant to 28 U.S.C. §1446 (d).

A Motion to Remove the case from New Jersey State Court to Federal Court will be filed after the Federal Court assigns this matter a Civil Action Number.

CIPRIANI & WERNER, P.C.

/s/ Marc R. Jones

MARC R. JONES, ESQUIRE (NJ#016022001)
Attorneys for Defendants – Joseph D. Light and C&M Truck
Repair
155 Gaither Drive – Suite B
Mount Laurel, NJ 08054
856-761-3800
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DATED: April 3, 2017

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
(Newark Vicinage)**

JULIO F. HERNANDEZ,

Plaintiff,

v.

JOSEPH D. LIGHT; C&M TRUCK REPAIR; and
JOHN DOES (1-10) (fictitious names),

Defendants.

Civil Action No.:

PETITION FOR REMOVAL FROM STATE COURT TO FEDERAL COURT

Petitioners, Joseph D. Light and C&M Truck Repair (hereinafter referred to collectively as “Petitioners” or “C&M”), hereby file the within Petition for Removal to the United States District Court of New Jersey from the Superior Court of New Jersey, Law Division – Middlesex County, and hereby says:

1. On or about March 6, 2017, Plaintiff filed a Complaint against Defendants, Joseph D. Light and C&M Truck Repair, and other defendants in the Superior Court of New Jersey, Law Division – Middlesex County entitled Julio F. Hernandez v. Joseph D. Light, et al., under docket number MID-L-1482-17. (**Exhibit “A,”** copy of the Complaint)

2. This firm received the assignment of this matter on about March 29, 2017 from Progressive Casualty Insurance Company to represent their insureds, C&M Truck Repair and their employee driver, Joseph D. Light, in the above referenced matter.

3. Plaintiff is seeking damages for an alleged accident in which a Ford Pick-up truck owned by C&M Truck Repair and operated by its driver, Mr. Joseph D. Light was involved in a motor vehicle accident that occurred on September 14, 2015 at the intersection of Talmadge Road and National Road in Edison, Middlesex County, New Jersey. (**Exhibits “A” and “B”**)

4. Plaintiff, upon information and belief, is a resident of the State of New Jersey, residing in Port Reading, Middlesex County, New Jersey. (**Exhibit “B”**)

5. Defendant, C&M Truck Repair, is a corporation organized and existing within the State of New York with its principal place of business located at 152 Industrial Loop, Staten Island, New York.

6. Defendant, Mr. Joseph D. Light, is a person whose address is located at 12 Wood Cutter Lane, Staten Island, New York.

7. The present case, therefore, is a civil action in which the United States District Court for the District of New Jersey has original jurisdiction by virtue of diversity of citizenship of the all of the parties pursuant to 28 U.S.C. §1332.

8. Pursuant to 28 U.S.C. §1332, this case involves injuries which, as alleged by Plaintiff, will exceed \$75,000.00 exclusive of interest and costs. As noted in the complaint, Plaintiff alleges and is seeking relief for:

...injuries to his head, limbs and body, he was caused to suffer great pain and will be caused to suffer great pain in the future; he was caused to incur medical expenses and will be caused to incur medical expenses in the future; he was caused to lose time from his employment and will be caused to lose time from his employment in the future; and he was caused to suffer permanent injury.

(Exhibit “A”)

9. In accordance with the applicable Federal Rules of Civil Procedure and/or Federal Statutes, specifically 28 U.S.C.S. §1446 (b), this Notice for Removal has been filed within (30) days after the Petitioners/Defendants received notice of Plaintiff’s Complaint. *See Granovsky v. Pfizer, Inc., et al.*, 631 F.Supp.2d 554, 559 (D.N.J. 2009). Plaintiff served a copy of the State Court Complaint on Defendants on March 20, 2017. **(Exhibit “C”)**

10. Accordingly, pursuant to 28 U.S.C. §1332, this matter is a civil action that may be removed by the Petitioners, from State Court to the United States District Court for the District of New Jersey over which the federal court has original jurisdiction.

11. A copy of Defendants’ answer to the Complaint is attached hereto as **Exhibit “D”** and will be filed separately.

WHEREFORE, Petitioners/Defendants, Joseph D. Light and C&M Truck Repair, hereby respectfully requests that the aforementioned civil action commenced against them by Plaintiff, be removed to the United States District Court for the District of New Jersey for all further proceedings.

Respectfully submitted,

CIPRIANI & WERNER, P.C.

/s/ Marc R. Jones

MARC R. JONES, ESQUIRE (NJ#016022001)

Attorneys for Defendants – Joseph D. Light and C&M Truck Repair

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DATED: April 3, 2017

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Defendants.

Civil Action No.:

**CERTIFICATION OF FILING AND SERVICE OF NOTICE OF PETITION FOR REMOVAL
FROM STATE COURT TO FEDERAL COURT**

The undersigned hereby certifies and confirms that the Notice of Petition for Removal from State Court to Federal Court on behalf of the defendants, Joseph D. Light and C&M Truck Repair, was e-filed with the United States District Court of New Jersey on April 3, 2017 and that a hard copy was also sent to the Clerk of the Superior Court of New Jersey, Law Division, Middlesex County, and counsel for Plaintiff via overnight delivery at the following addresses:

Clerk – Superior Court Middlesex County
Middlesex County Courthouse
56 Paterson Street
P.O. Box 964
New Brunswick, NJ 08903-0964

Edward McElroy, Esquire
Eichen, Crutchlow, Zaslow & McElroy
563 Lakehurst Road
Toms River, NJ 08755
emcelroy@njadvocates.com
Attorneys for Plaintiff – Julio F. Hernandez

I am aware that the foregoing statements made by me are true.

I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

CIPRIANI & WERNER, P.C.

/s/ Marc R. Jones

MARC R. JONES, ESQUIRE (NJ#016022001)
Attorneys for Defendants – Joseph D. Light and C&M Truck
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